



# Slovenia

## Ratified the European Convention on Human Rights in 1994

### National Judge: Marko Bošnjak

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judge: Peter Jambrek (1993-1998), Boštjan Zupančič (1998-2016)

The Court dealt with 1,831 applications concerning Slovenia in 2017, of which 1,818 were declared inadmissible or struck out. It delivered 12 judgments (concerning 13 applications), 10 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2016	2017	2018**
Applications allocated to a judicial formation	239	374	84
Communicated to the Government	18	7	5
Applications decided:	303	1831	132
- Declared inadmissible or struck out (Single Judge)	293	1795	118
- Declared inadmissible or struck out (Committee)	2	20	8
- Declared inadmissible or struck out (Chamber)	4	3	1
- Decided by judgment	4	13	5

\*\*January to July 2018

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2018	
Total pending applications*	94
Applications pending before a judicial formation:	75
Single Judge	20
Committee (3 Judges)	28
Chamber (7 Judges)	26
Grand Chamber (17 Judges)	1

\*including applications for which completed application forms have not yet been received

## Slovenia and ...

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **668** Registry staff members.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### [Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and "The former Yugoslav Republic of Macedonia"](#)

16.07.2014

Concerned the applicants' inability to recover "old" foreign-currency savings – deposited with two banks in what is now Bosnia and Herzegovina – following the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY).

The Court held:

With regard to Mr Šahdanović: unanimously, that there had been a violation of Article 1 of Protocol No. 1 (protection of property) and a violation of Article 13 (right to an effective remedy) by Serbia;

With regard to Ms Ališić and Mr Sadžak: unanimously, that there had been a violation of Article 1 of Protocol No. 1 and a violation of Article 13 by Slovenia;

With regard to the other respondent States: by a majority, that there had been no violation of Article 1 of Protocol No.1 and no violation of Article 13, and, unanimously, that there had been no violation of Article 14 taken together with Article 13 and Article 1 of Protocol No. 1.

#### [Kurić and others v. Slovenia](#)

26.06.2012<sup>1</sup>

The applicants belong to a group of persons known as the "erased", who on 26 February 1992 lost their status as permanent residents following Slovenia's declaration of independence in 1991, and faced almost 20 years of extreme hardship. The number of "erased" people in 1991 amounted to 25,671.

Violation of Article 8 (right to respect for private and/or family life) of the European

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<sup>1</sup> In the same case, by a Grand Chamber [judgment](#) of 12 March 2014 on the just satisfaction, the Court held, unanimously, that the Slovenian Government was to pay the six applicants whose rights under the European Convention on Human Rights had been violated amounts between 29,400 and 72,770 euros (EUR) each.

Convention on Human Rights;  
Violation of Article 13 (right to an effective remedy) in combination with Article 8 of the Convention, and;

Violation of Article 14 (prohibition of discrimination) in combination with Article 8

The Court also decided to apply the pilot-judgment procedure, holding that the Government should, within one year, set up a compensation scheme for the "erased" in Slovenia. It decided it would adjourn examination of all similar applications in the meantime.

#### [Šilih v. Slovenia](#)

09.04.2009

Ineffectiveness of the proceedings conducted by the authorities to establish liability for the death of the applicant's son as a result of a medical error.

Violation of Article 2 (lack of an effective investigation)

## Noteworthy cases, judgments delivered

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### Chamber

#### **Cases dealing with inhuman and/or degrading treatment (Article 3)**

##### [Boris Butolen v. Slovenia](#)

26.04.2012

Mr Butolen alleged that he had been ill-treated by police officers in February 2001.

Violation of Article 3 (treatment)

Violation of Article 3 (investigation)

##### [Mandić and Jović v. Slovenia and Štrucl and others v. Slovenia](#)

20.10.2011

Detention conditions in Ljubljana Prison, Slovenia.

Violation of Article 3 and Article 13 (right to an effective remedy) in both cases

##### [Matko v. Slovenia](#)

02.11.2006

Violent arrest of the applicant by the police and lack of an effective investigation.

Violation of Article 3 (treatment and investigation)

No violation of Article 6 § 1 (right to a fair hearing within a reasonable time)

### [Rehbock v. Slovenia](#)

28.11.2000

The case concerned the applicant's conviction of drug offences, the conditions of his arrest and detention, the lawfulness of his detention and the monitoring of his correspondence with the European Commission of Human Rights.

[Violation of Article 3](#)

[Violation of Article 5 \(right to liberty and security\)](#)

[Violation of Article 8 \(right to respect for private and family life\)](#)

#### Cases dealing with Article 6

[Right to a fair hearing](#)

### [Gaspari v. Slovenia](#)

21.07.2009

Constitutional appeals by the opposing party not served on the applicant.

[Violation of Article 6 § 1](#)

[Right to a fair hearing within a reasonable time](#)

### [Lukenda v. Slovenia](#)

06.10.2005

Pilot judgment<sup>2</sup> concerning the excessive length of proceedings.

[Violation of Article 6 § 1 and of Article 13 \(right to an effective remedy\) and existence of a systemic problem](#)

[Following the adoption of the Lukenda judgment, a law has been passed in Slovenia to remedy this systemic situation.](#)

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<sup>2</sup> Since 2004 and in response to the large number of cases deriving from systemic or structural problems in certain countries the Court has developed a pilot-judgment procedure. This consists in identifying in a single judgment systemic problems underlying a violation of the European Convention on Human Rights and indicating in that judgment the remedial measures required to resolve such situations. The pilot-judgment procedure is not only intended to facilitate effective implementation by respondent states of individual and general measures necessary to comply with the Court's judgments, but also induces the respondent State to resolve large numbers of individual cases arising from the same structural problem at domestic level, thus reinforcing the principle of subsidiarity which underpins the Convention system.

In the following cases the Court found violations of Article 6 § 1 on account of the length of the proceedings and of Article 13 (right to an effective remedy)

### [Sirc v. Slovenia](#)

08.04.2008

### [Tomažič v. Slovenia](#)

13.12.2007

### [Grzinčič v. Slovenia](#)

03.05.2007

### [Švarc and Kavnik v. Slovenia](#)

08.02.2007

#### Cases dealing with private and family life (Article 8)

### [Benedik v. Slovenia](#)

24.04.2018

The case concerned the Slovenian police's failure to obtain a court order to access subscriber information associated with a dynamic IP address recorded by the Swiss law-enforcement authorities during their monitoring of users of a certain file-sharing network. This led to the applicant being identified after he had shared files over the network, including child pornography.

[Violation of Article 8](#)

### [Eberhard and M. v. Slovenia](#)

01.12.2009

A father was hardly able to see his daughter for more than four years because of the Slovenian authorities' inactivity.

[Violation of Article 8](#)

## Noteworthy cases, decisions delivered

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### [Anastasov and Others v. Slovenia](#)

17.11.2016

The 212 applicants in this case belong to a group of people known as the "erased" (*izbrisani*). Former nationals of the Socialist Federal Republic of Yugoslavia ("the SFRY") with permanent residence in Slovenia, their names were deleted from Slovenia's Register of Permanent Residents following the dissolution of the SFRY, Slovenia's declaration of independence and passing of the "independence legislation" in 1991. They thus became aliens with no legal status in Slovenia and remained so for periods ranging from seven months to more than 22 years.

In a previous pilot judgment ([Kurić and Others v. Slovenia](#)), of June 2012 the Court found that the Slovenian authorities had failed to regulate the issue of “erased” people and to provide them with adequate redress for the years during which they had been in a position of vulnerability and legal insecurity; it also ordered Slovenia to set up a domestic compensation scheme.

The Court was satisfied that the system introduced by the Slovenian Government (and its functioning in practice) following the *Kurić and Others* judgment offered to the remaining “erased” persons who had regularised their legal status in Slovenia reasonable prospects of receiving compensation for the damage caused by the systemic violation of their Convention rights.

The Court decided:

- to close the pilot-judgment procedure initiated in *Kurić and Others*
- to strike the application out of its lists of cases

### **Kovačić and Others v. Slovenia**

03.10.2008

Freezing of funds deposited by Croatian savers with a Slovenian bank prior to the dissolution of the former Yugoslavia.

Application struck out of the list (resolved at national level), but call issued to the successor States of the former Yugoslavia to proceed with negotiations on frozen savings as a matter of urgency.

### **Žunič v. Slovenia**

18.10.2007

Excessive length of procedure.

Application declared inadmissible.

### **Predojevič and Others v. Slovenia**

07.06.2001

Group of cases concerning the retirement pensions of former members of the Yugoslav armed forces.

Complaints under Article 1 of Protocol No. 1 (protection of property) declared inadmissible.

## **Noteworthy pending cases**

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### **Grand Chamber**

#### **Lekić v. Slovenia (no. 36480/07)**

The case concerns the striking off of a company that the applicant had a share in,

and his subsequent liability for the company's debts.

Relying in particular on Article 1 of Protocol No. 1 (protection of property) to the Convention, Mr Lekić complains, *inter alia*, that the striking-off of the company and his ensuing liability interfered with his property rights and amounted to an unlawful deprivation of property.

In its Chamber [judgment](#) of 14 February 2017, the Court held, unanimously, that there had been no violation of Article 1 of Protocol No. 1, finding that the national courts' finding that Mr Lekić was an active member of the company and thus liable for the payment of its debts was reasonable.

Case [referred](#) to the Grand Chamber on 18 September 2017

Grand Chamber hearing on 14 March 2018

## **Chamber**

### **Ahac and Others v. Slovenia (no. 80531/12)**

Case [communicated](#) to the Slovenian Government on 31 May 2017

The application concerns measures taken by the Government's Securities Market Agency (“the Agency”) against mutual investment funds operated by the company Proficia Dadas d.o.o. resulting in a loss of value of shares owned by the applicants.

The applicants complain in particular under Articles 6 (right to a fair trial) of the Convention and Article 1 of Protocol No. 1 (protection of property) to the Convention.

### **Rola v Slovenia (nos. 12096/14 and 39335/16)**

Case [communicated](#) to the Slovenian Government on 30 November 2016

The case concerns the permanent revocation of the applicant's licence to work as a liquidator in insolvency proceedings.

The applicant relies mainly on Article 7 (no punishment without law) of the Convention and Article 1 of Protocol No. 1 (protection of property) to the Convention.

### **S. S. v. Slovenia (no. 40938/16)**

Case [communicated](#) to the Slovenian Government on 29 September 2016

The case concerns the applicant's complaint that the Slovenian authorities withdrew her parental rights because she was suffering from paranoid schizophrenia and that her

daughter was subsequently adopted by her foster family.

Relying mainly on Articles 6 (right to a fair trial), 8 (right to private and family life), and 13 (right to an effective remedy) of the Convention, the applicant argues that although she was perhaps not able to fully take care of her daughter due to her mental condition, she should be able to establish and maintain a relationship with her.

**Rau and Others v. Slovenia  
(no. 47001/14)**

Case [communicated](#) to the Slovenian Government on 11 January 2016

The applicants complain under Article 1 of Protocol No. 1 (protection of property) to the Convention that the domestic courts have violated their right to obtain the restitution of property confiscated from their legal predecessor after the Second World War, even though the applicable legislation and case-law gave them a legitimate expectation that they could obtain restitution under both the Denationalisation Act and the Enforcement of Criminal Sanctions Act.

**Hudorovič and Novak and others v. Slovenia (nos. 24816/14 and 25140/14)**

Cases [communicated](#) to the Slovenian Government on 8 April 2015.

The case concerns an alleged failure of the domestic authorities to provide the applicants, members of the Roma community, access to basic public utilities, such as drinking water and sanitation, in their dwellings which had been built on state owned land decades ago. Relying on Article 3 (prohibition of inhuman or degrading treatment) and 8 (right to private and family life) of the Convention, the applicants complain of the lack of basic public utilities, as well as of the lack of fundamental rights as the majority population. Under Articles 14 (prohibition of discrimination) in conjunction with Articles 3 and 8 of the Convention, the applicants allege that the Slovenian authorities have not taken any steps aimed at eliminating inequality in living conditions of the applicants' communities.

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